

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES SURETY COMPANY *
20 West Aylesbury Road
Timonium, Maryland 21094 *

Plaintiff * Civil Action No.:

v. *

M. MILLER TRUCKING *
1251 Irvine Drive, NE
Hanover, Minnesota 55341 *

SERVE ON:
Mark Miller *
1251 Irvine Drive, NE
Hanover, Minnesota 55341 *

and *

ACME TRUCK LINE, INC.
121 Paillet Drive *
Harvey, Louisiana 70058

SERVE ON:
Jimmie J. Vicknair, Registered Agent *
121 Paillet Drive
Harvey, Louisiana 70058 *

and *

BUNCH TRANSPORT, INC.
2000 Mabeline Road *
North Charleston, South Carolina 29419

SERVE ON:
Carmelina Bundschuh *
Registered Agent
2000 Mabeline Road
North Charleston, SC 29419 *

and *

*

*

UNIQUE FREIGHT SYSTEMS *
P.O. Box 966

Hope, Arkansas 71802 *

SERVE ON:

Kenneth Dougan, President *

P.O. Box 966

Hope, Arkansas 71802 *

and *

KEITH SAARI TRUCKING

38144 Plainview Drive *

Sterling Heights, Michigan 48312

SERVE ON:

Keith Saari

38144 Plainview Drive *

Sterling Heights, Michigan 48312 *

and *

TRANS-LINK, INC.

888 Larch Avenue *

Elmhurst, Illinois 60126

SERVE ON:

Boguslawa Ptaszek

Registered Agent *

888 Larch Avenue

Elmhurst, Illinois 60126 *

and *

HYDE TRUCKING COMPANY, INC. *

2394 Segment Industrial Court, NW *

Conyers, Georgia 30012 *

SERVE ON:

Gene Hyde, Registered Agent *

2394 Segment Industrial Court, NW *

Conyers, Georgia 30012 *

and *

SUMMIT TRANSPORTATION
 SYSTEMS, INC. *
 3257 49th Street
 Pennsauken, New Jersey 08109 *
 SERVE ON:
 Robert E. Cellasio, President *
 3257 49th Street
 Pennsauken, New Jersey 08109 *

and *

CENTURY FURNITURE, LLC
 401 11th Street, NW *
 Hickory, North Carolina 28601 *
 SERVE ON:
 Richard L. Reese,
 Registered Agent *
 410 11th Street, NW
 Hickory, North Carolina 28601 *

and *

CORETRANS, LLC
 P.O. Box 3210 *
 West Somerset, Kentucky 42564 *
 SERVE ON:
 James D. Liebman
 Registered Agent *
 403 West Main Street
 Frankfort, Kentucky 40601 *

and *

DAN SULLIVAN TRUCKING, INC. *
 P.O. Box 878
 Munfordville, Kentucky 42765 *
 SERVE ON:
 Dan Sullivan
 Registered Agent *
 320 West Union Street
 Munfordville, Kentucky 42765 *

and

DAT TRADING & SALES CO., INC. *
P.O. Box 2897
West Columbia, South Carolina 29171
SERVE ON: *
Ted C. Howell
Registered Agent *
2802 Franklin Street
West Columbia, S. Carolina 29169 *

and *
DRY ICE SALES & SERVICE, INC. *
6760 Ky Dam Road
Paducah, Kentucky 42003 *
SERVE ON: *
George Hodges
Registered Agent *
6760 Ky Dam Road
Paducah, Kentucky 42003 *

and *
GENE HYDE TRUCKING CO., INC. *
2940 Swindell Road
Lakeland, Florida 33805
SERVE ON: *
Shirley Hargraves
Registered Agent *
290 Howard Avenue
Lakeland, Florida 33815 *

and *
GOODINS CENTRAL DISPATCH *
SERVICES, INC. *
887 N. Gardiner
Scottsburg, Indiana 47170
SERVE ON: *
Greg Goodin
Registered Agent *
887 N. Gardiner
Scottsburg, Indiana 47170 *

and *

GREENE TRANSPORT CO. *
1702 South Washington Avenue
Titusville, Florida 32780 *

SERVE ON:
Jeffrey B. Greene *
Registered Agent
2405 Garden Street *
Suite 1
Titusville, Florida 32796 *

and *

IMPLANT BROKERS, INC. *
P.O. Box 71480
Columbus, Ohio 43271 *

SERVE ON:
Walter L. Lamb, Jr. *
Registered Agent
1100 Eastern Avenue *
Bellefontaine, Ohio 43311 *

and *

J.H. TRANSPORT, INC. *
1475 Territorial Road
Benton Harbor, Michigan 49022 *

SERVE ON:
Dave Korinek *
1475 Territorial Road
Benton Harbor, Michigan 49022 *

and *

JONES MOTOR CO., INC. *
Bridge Street & Schuylkill Road
Spring City, Pennsylvania 19475 *

SERVE ON:
Donald R. Sheehy *
President
Bridge St. & Schuylkill Rd.
Spring City, PA 19475 *

and *

LIPPOLD & ARNETT, INC. *

21149 Route 4

Carlinville, Illinois 62626 *

SERVE ON:

James Ray Curry *

Registered Agent

21149 Route 4 *

Carlinville, Illinois 62626 *

and *

H.T. JACKSON TRANSPORT, INC. *

160 Hidden Hill Road *

Spartanburg, South Carolina 29301

SERVE ON:

David C. Alford *

Registered Agent *

160 Hidden Hill Road

Spartanburg, South Carolina 29301 *

and *

K TRUCK LINES, INC. *

Hunter-Ferrell Road and Doggo Road

P.O. Box 53247 *

Grand Prairie, Texas 75053

SERVE ON:

Fred Knox *

Registered Agent *

Hunter-Ferrell Road and

Doggo Road *

P.O. Box 53247 *

Grand Prairie, Texas 75053 *

and *

LOUISIANA TRANSPORTATION, INC. *

12225 Stephens Road *

Warren, Michigan 48089

SERVE ON:

Willard J. Lindley *

Registered Agent *

12225 Stephens Road *

Warren, Michigan 48089 *

and *

M & B TRUCKING CORP. *
 3101 Buckley Avenue *
 Lake Worth, Florida 33461 *
 SERVE ON:
 Braulio G. Millo *
 Registered Agent *
 3101 Buckley Avenue *
 Lake Worth, Florida 33461 *
 *

and

NELSON FREIGHT SERVICE, INC. *
 2215 Oak Industrial Drive, N.E. *
 Suite 212 *
 Grand Rapids, Michigan 49505 *
 SERVE ON:
 John Taratula *
 Registered Agent *
 2215 Oak Industrial Drive, N.E. *
 Grand Rapids, Michigan 49505 *

and *

JAMES E. OOTEN d/b/a *
 OCOEE TRUCKING *
 P.O. Box 272 *
 Ocoee, Tennessee 37361 *
 SERVE ON:
 James E. Ooten *
 Ocoee Trucking *
 P.O. Box 272 *
 Ocoee, Tennessee 37361 *

and *

P AND S ENTERPRISES, INC. *
 8721 M Highway *
 P.O. Box 65 *
 Pilot Grove, Missouri 65276 *
 SERVE ON:
 Mitchell Twenter *
 Registered Agent *
 8721 M Highway *
 P.O. Box 65 *
 Pilot Grove, Missouri 65276 *

and *
 TRACEY PETERS d/b/a *
 PETERS TRUCKING *
 946 South 98th Street *
 Mesa, Arizona 85208 *
 SERVE ON: *
 Tracey Peters *
 Peters Trucking *
 946 South 98th Street *
 Mesa, Arizona 85208 *

and *
 PREFERRED MATERIALS, INC. *

15023 Highway 80 *
 Minden, Louisiana 71055 *
 SERVE ON: *
 Sharon B. Bryce *
 Registered Agent *
 195 Country Pines Drive *
 Minden, Louisiana 71055 *

and *
 WALTER UMSTEAD d/b/a *

UMSTEAD TRUCKING *
 4208 Boseman Road *
 Rocky Mount, North Carolina 27804 *
 SERVE ON: *
 Walter Umstead *
 Umstead Trucking *
 4208 Boseman Road *
 Rocky Mount, North Carolina 27804 *

and *
 RIDGE TRANSPORTATION *

LOGISTICS, INC. *
 1895 90th Avenue *
 Vero Beach, Florida 32966 *
 SERVE ON: *
 Zack Fulmer *
 Registered Agent *
 1895 90th Avenue *
 Vero Beach, Florida 32966 *

and

*

SCOTLAND TRANSFER CO., INC.
16961 Barnes Drive
Laurinburg, North Carolina 28353

*

SERVE ON:
James L. Jackson
Registered Agent
16961 Barnes Drive
Laurinburg, North Carolina 28353

*

and

SERVICE FIRST TRANSPORT, INC. *

5615 East Powhatan Avenue *

Suite C *

Tampa, Florida 33610 *

SERVE ON:
Steven Brickner
Registered Agent
5615 East Powhatan Avenue
Suite C
Tampa, Florida 33610

*

and

SOUTHEAST LOGISTICS, INC. *

P.O. BOX 1309 *

5607 Highway 215 South *

Tuscaloosa, Alabama 35403 *

SERVE ON:
Beau Wicks
P.O. Box 1309
5607 Highway 215 South
Tuscaloosa, Alabama 35403

*

and *

TETON TRANSPORTATION, INC. *

5651 South National Drive *

Knoxville, Tennessee 37914 *

SERVE ON:
Douglas A. Hammond
Registered Agent
5651 South National Drive
Knoxville, Tennessee 37914

*

and

TRUCKERS EXPRESS, INC.
725 Market Street *
Wilmington, Delaware 19899
SERVE ON:
Corporation Trust Company *
Registered Agent *
1209 Orange Street
Wilmington, Delaware 19801 *

and

*

WILKINS TRUCKING
1094 South Railroad Street *
Warsaw, North Carolina 28398
SERVE ON:
Wilkins Trucking *
1094 South Railroad Street *
Warsaw, North Carolina 28398 *

and

*

BBB TRUCKING, INC.
8305 Talton *
Houston, Texas 77028
SERVE ON:
William Guidry *
Registered Agent *
8305 Talton *
Houston, Texas 77028 *

and

*

BEST FREIGHT SYSTEMS, INC. *
P.O. Box 1322
Laredo, Texas 78042 *
SERVE ON:
Jamie Milks *
Registered Agent *
2301 Scott Street *
Laredo, Texas 78040 *

and

*

CROFT, LLC *
 107 Oliver Emmerich Drive
 McComb, Mississippi 39648 *

SERVE ON:
 Gerald M. Abdalla *
 107 Oliver Emmerich Drive
 McComb, Mississippi 39648 *

and *
 GAMMEL TRANSPORTATION, LLC *

1404 County Road 101
 New Albany, Mississippi 38652 *

SERVE ON:
 Hollaman M. Raney *
 Registered Agent
 41 County Road 231 *
 P.O. Box 1480
 Oxford, Mississippi 38655 *

and *
 ALLEN MICHAEL MITRISIN d/b/a *

M M TRANSPORT
 29181 Cortez Boulevard
 Brooksville, Florida 34602 *

SERVE ON:
 Allen Michaell Mitrisin *
 M M Transport
 29181 Cortez Boulevard
 Brooksville, Florida 34602 *

and *
 RUSSELL'S TRUCK DIVISION, INC. *

1008 South Danville Road
 Harrodsburg, Kentucky 40330 *

SERVE ON:
 Gordon Lee Russell *
 Registered Agent
 1008 South Danville Road *
 Harrodsburg, Kentucky 40330 *

and *

| | |
|-------------------------------|---|
| RYAN LOGISTICS, INC. | * |
| 325 Co Road 1760 | |
| Joppa, Alabama 35087 | * |
| SERVE ON: | |
| Debra L. McAlpin | * |
| 325 Co Road 1760 | |
| Joppa, Alabama 35087 | * |
| and | * |
| CEDRAY TRANSPORTATION, LTD. | * |
| 336 Cane Creek Drive | |
| Stockbridge, Georgia 30281 | * |
| SERVE ON: | |
| R. Kelley Minter | * |
| Registered Agent | |
| 5318 Railroad Avenue | * |
| Flowery Branch, Georgia 30542 | * |
| and | * |
| CJW TRANSPORT, INC. | * |
| 32 Walker Road | * |
| Quincy, Florida 32351 | |
| SERVE ON: | * |
| John W. Black | |
| Registered Agent | * |
| 2155 Delta Boulevard | |
| Suite 210-A | * |
| Tallahassee, Florida 32303 | * |
| and | * |
| C-LINE, INC. | * |
| 340 Jefferson Boulevard | |
| Warwick, Rhode Island 02888 | |
| SERVE ON: | * |
| Margot A. Clark | |
| Vice President | * |
| 340 Jefferson Boulevard | |
| Warwick, Rhode Island 02888 | * |
| and | * |

TRUCKFIX, INC. *
888 Larch Avenue
Elmhurst, Illinois 60126 *
SERVE ON:
Boguslawa Ptaszek *
888 Larch Avenue
Elmhurst, Illinois 60126 *
and *
UNITED FREIGHT, INC. *
319 Baylor Street
Texarkana, Texas 75501 *
SERVE ON:
Penni Evilsizor-Royston *
Authorized Agent of Process
7001 Grapevine Highway *
Suite 331
North Richland Hills, Texas 76180 *
And *
XRG LOGISTICS, INC. *
601 Cleveland Street
Suite 820 *
Clearwater, Florida 33755 *
SERVE ON:
Michael T. Cronin *
Registered Agent
911 Chestnut Street
Clearwater, Florida 33756 *

Defendants * * * * * * * * * * * *

COMPLAINT

Plaintiff, United States Surety Company, by its undersigned attorneys, pursuant to 28 U.S.C. § 1335(a), sues the above-named Defendants, and in support thereof, states:

COUNT I – INTERPLEADER
(28 U.S.C. § 1335(a))

Jurisdiction and Venue

1. Plaintiff is a corporation and a surety organized and incorporated under the laws of the State of Maryland, with its principal place of business in Timonium, Maryland. At all times mentioned in this Complaint, the Plaintiff was a duly admitted and licensed insurer, permitted under the laws of the States of Maryland and Delaware to offer and sell the surety bond that is the subject of this action.

2. All Defendants are residents of states other than Maryland.

3. This court has jurisdiction of this interpleader action under the provisions of *28 U.S.C. § 1335(a)* because:

- a. There is complete diversity of citizenship between Plaintiff and all Defendants;
- b. The penal sum of the surety bond against which all Defendants assert adverse claims is \$10,000, a sum in excess of \$ 500; and
- c. The Plaintiff has, contemporaneously with the filing of this Complaint, filed a motion for leave to deposit \$10,000 into the registry of this Court and will deposit said amount upon the order of this Court.

4. This court is a proper venue for this action pursuant to *28 U.S.C. § 1397* because Defendant Truckers Express, Inc. is a Delaware corporation and is considered a resident within this judicial district.

Adverse Claims

5. On May 28, 2002, the Plaintiff, United States Surety Company ("Plaintiff" or "Surety"), at the request of Triglia Express, Inc., Joseph S. Triglia, Jr. and Barbara J. Triglia,

issued Property Broker's Surety Bond number 4727 (the "Bond") on behalf of Triglia Express, Inc. in the penal sum of \$10,000. *See* Property Broker's Surety Bond, attached hereto as *Exhibit A*. All Property Brokers that are involved in interstate commerce are required to obtain such a bond pursuant to 49 U.S.C. § 13906.

6. The Bond was procured and executed in Delmar, Delaware.
7. The Bond form is prescribed by the United States Department of Transportation, Federal Highway Administration and states, in relevant part:

WHEREAS, this bond is written to assure compliance by the Principal as a licensed Property Broker of Transportation by motor vehicle with 49 U.S.C. 13906(b), and the rules and regulations of the Federal Highway Administration, relating to insurance or other security for the protection of motor carrier and shippers, and shall inure to the benefit of any and all motor carriers or shippers to whom the Principal may be legally liable for any of the damages herein described.

NOW, THEREFORE, the condition of this obligation is such that if the Principal shall pay or cause to be paid to motor carriers or shippers by motor vehicle any sum or sums for which the Principal may be held legally liable by reason of the Principal's failure faithfully to perform, fulfill, and carry out all contracts, agreements, and arrangements made by the Principal while this bond is in effect for the supplying of transportation subject to the ICC Termination Act of 1995 under license issued to the Principal by the Federal Highway Administration, then this obligation shall be void, otherwise to remain in full force and effect.

8. Triglia Express, Inc. was a property broker licensed by the Federal Highway Administration that was in the business of arranging for transportation of goods by motor carrier.
9. Beginning in April 2004, the Surety began receiving numerous claims against the Bond from motor carriers who had not been paid for their services by Triglia Express, Inc.

10. As a result of the numerous claims against the Bond received by the Surety, the Surety elected to exercise its right to cancel the Bond on August 9, 2004.

11. Triglia Express, Inc. ceased operations and closed its doors on September 13, 2004.

12. On information and belief, all of the named Defendants herein may have provided transportation services for Triglia Express, Inc. and have not been paid for such services by Triglia Express, Inc.

13. All of the claims asserted, and claims which could be asserted, by the Defendants are adverse to the Plaintiff.

14. The claims and potential claims that could be asserted by the Defendants are all adverse to each other because the amounts asserted as claims by the Defendants in this action exceed the maximum liability of the Plaintiff under the Bond. Indeed, the amount of the claims asserted or potentially asserted by the Defendants total approximately \$52,452.80 while the maximum liability of the Plaintiff, if any, is \$10,000. Because the claims and potential claims exceed the available sums, the claims are adverse to each other as each Defendant has an interest in defeating or reducing the amount asserted by other Defendants.

Interpleader Remedy

15. It is necessary for the Court to restrain a race to the courthouse and prevent multiple or inconsistent liabilities on the Bond, or unfair depletion of the penal sum of the Bond by only one or only a few of the many claimants to a share in those proceeds. The Defendants

should be required to prove their proportionate share of the available proceeds in a single proceeding.

16. 28 U.S.C. § 1335(a) authorizes the Plaintiff to join all of the claimants to the Bond proceeds in a single action, and thus avoid multiple litigation and potential multiple or inconsistent liability.

17. The Plaintiff will pay the penal sum of the Bond into the registry of the Court upon Order from the Court.

Prayer

The Plaintiff prays:

1. That the Court enter an order of interpleader determining that the Defendants are adverse claimants to the fund to be deposited in court and to each other.
2. That the Court order any Defendants who claim injury or damage to interplead and establish their respective claims in this action.
3. That the Plaintiff be discharged from any other or further liability to the Defendants by virtue of the Bond set out in this Complaint.
4. That the Court issue an injunction against all parties from instituting or pursuing any proceedings in any Court, federal or state, against this Plaintiff for the recovery of all or any part of the penal sum of the Bond that is before the Court.

5. That the Plaintiff have whatever other and further relief as may be proper.

Dated: September 16, 2005

/s/ Donald R. Kinsley

Donald R. Kinsley, Esquire (I.D. No. 3006)
Brian L. Kasprzak, Esquire (I.D. No. 3846)
Marks, O'Neill, O'Brien & Courtney, P.C.
913 N. Market St., Suite 800
Wilmington, DE 19801
Phone (302) 658-6538
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